

Service Date: June 24, 1987

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF THE COMPLAINT of)
Consumers Connected to Burlington))
Northern's Water System in))
Paradise, Montana,) UTILITY DIVISION
))
Complainants,))
) DOCKET NO. 84.4.12
))
vs.))
))
))
Burlington Northern Railroad) ORDER NO 5084a
Company (Clarkland, Inc.),))
))
Defendant)

FINAL ORDER

1. On March 19, 1984, the Montana Public Service Commission(Commission) received a complaint signed by numerous Paradise, Montana, residents alleging that the community's water service, provided by Burlington Northern Railroad Company (BN), was inadequate. A hearing as held by the Commission in this matter on August 13, 1984, in Paradise, Montana. On October 1, 1984, the Commission issued Preliminary Order No. 5084 in this Docket, which among other things, encouraged the parties to resolve their differences.

Since Order No. 5084, the Sanders County Water District has been formed, which encompasses the area served by the BN water system.

2. On April 15, 1987, BN filed a petition with the Commission requesting that the Commission, pursuant to jurisdiction established by &69-3-101 et seq., MCA, authorize the transfer of the assets and operating responsibilities of BN's water

utility in Paradise, Montana , to the Sanders County Water district at Paradise (District). The District proposes to continue water service to all consumers previously supplied by BN. Transfer of the assets will not in itself result in a rate increase for any consumer.

3. On April 17, 1987, the Commission issued a Notice of Opportunity for Public Hearing, which was sent to the Montana Consumer Counsel and was published in the Missoulian, the Plains Plainsman, and the Sanders County Ledger. The Notice gave interested parties until May 11, 1987, to request a hearing or submit protests regarding the Application.

4. No protests or requests for public hearing were received. Accordingly, no public hearing was scheduled in this matter.

Further, it is the Commission's understanding that the issuance of this order will resolve all of the issues raised in the original complaint filed with the Commission.

5. A review of the Application indicates no threat to the adequacy or availability of service to the utility's customers.

6. The proposed new owner appears to have the financial and other resources necessary to provide adequate service in the future.

CONCLUSIONS OF LAW

1. This Commission has jurisdiction over the parties and

matters contained in this Docket.

2. The application demonstrates that the transfer of ownership will not result in inadequate service or unreasonable rates.

3. The proposed new owner is fit, willing and able to assume the service responsibilities associated with ownership of the water system now owned by Burlington Northern Railroad Company.

4. The proposed transfer is in the public interest.

ORDER

NOW THEREFORE, IT IS ORDERED THAT:

1. The Burlington Northern Railroad Company is hereby authorized to transfer its assets and operating responsibilities to the Sanders County Water District.

2. Upon transfer, the Sanders County Water District shall file rates with the Commission, consistent with those outlined in the application, for provision of service to consumers in its Paradise, Montana service area.

DONE IN OPEN SESSION this 22nd day of June. 1987 by a vote of
5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

JOHN B. DRISCOLL, Commissioner

HOWARD L. ELLIS, Commissioner

TOM MONAHAN, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Acting Secretary

(SEAL)

NOTE: Any interested party may request that the
Commission reconsider this decision. A motion to
reconsider must be filed within ten (10) days. See
38.2.4806, ,ARM.